

STATE OF CONNECTICUT

**Department of Environmental Protection
The Connecticut Tree Protection Examining Board**

The Arborist Law

Excerpts from the Connecticut Pesticide Control Act

Regulations

1999

(Revised to June 1999)

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This document contains excerpts from the Connecticut statutes and regulations for arborist licensing. The statute became effective October 1, 1998. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader. This document contains excerpts, and is not the official version of the statute or regulations. The official regulations are published by the State of Connecticut, Judicial Branch, Commission on Official Legal Publications in the Connecticut Law Journal. The statutes are published by the Connecticut General Assembly. In the event there is inconsistency between this document and the regulations as published in the Connecticut Law Journal, the Connecticut Law Journal publication will serve as the official version. Similarly the statutes published by the Connecticut General Assembly are the official version.

Excerpts from the Connecticut General Statutes, Chapter 451:

Sec. 23-61a. Definitions. Tree Protection Examining Board. Regulations

(a) As used in sections 23-61a to 23-61f, inclusive, “arboriculture” means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method; “arborist” means one who is qualified to perform arboriculture and is licensed by the Commissioner of Environmental Protection as provided in section 23-61b; “board” means the State Tree Protection Examining Board established under subsection (b); “fungicides” means any mixture of substances, substances intended for preventing, destroying, repelling or mitigating any fungus; “fungus” means any non-chlorophyll bearing thallophyte; that is, any non-chlorophyll bearing plant of a lower order than mosses and liverworts; for example, rusts, smuts, mildews, molds and yeast, except those on or in any living human or other vertebrate animal; “herbicide” means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed; “insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice; “insecticide” means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating insects; “plant regulator” means any substance or mixture of substances determined to be a plant regulator under chapter 441; “pesticide” means any substance or mixture of substances determined to be a pesticide under said chapter; “weed” means any plant which grows where not wanted.

(b) There shall be in the Department of Environmental Protection a State Tree Protection Examining Board which shall consist of the plant pathologist and forester of the Connecticut Agricultural Experiment Station, who shall serve as ex-officio members, and five electors of the state, three of whom shall be public members, and two of whom shall be licensed, practicing arborists to be appointed by the Governor for the unexpired portion of the term.

(c) The board shall have a seal and, in any proceeding in court, a certificate under such seal shall be bona fide evidence of any proceeding or action by or before the board stated in such certificate. A majority of members acting as a board shall constitute a quorum for the transaction of business.

(d) Repealed by P.A. 82-419, S 46, 47.

(e) The Commissioner of Environmental Protection with the advice and assistance of the board, may adopt such regulations as are necessary for the purpose of giving examinations, issuing and renewing licenses, inspection of work or revocation of licenses.

Sec. 23-61b. Licensing for arboriculture; examinations; fees; renewal; suspension; revocation. Nonresidents. Records. Pesticides.

(a) No person shall advertise, solicit or contract to do arboriculture within this state at any time without a license issued in accordance with the provisions of this section, except that any person may improve or protect any tree on his own premises or on the property of his employer without securing such a license provided such activity does not violate the provisions of chapter 441, subsection (a) of section 23-61a, this section or section 23-61d. Application for such license shall be made to the Commissioner of Environmental Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the Commissioner may require and shall be accompanied by a fee of twenty-five dollars which shall not be returnable.

(b) The Commissioner shall require the applicant to show upon examination that he possesses adequate knowledge concerning the proper methods of arboriculture and the dangers involved and the precautions to be taken in connection with these operations, together with knowledge concerning the proper use and application of pesticides and the danger involved and the precautions to be taken in connection with their application. If the applicant is other than an individual, the applicant shall designate an officer, member or technician of the organization to take the examination, which designee shall be subject to approval of the Commissioner except that any person who uses pesticides in arboriculture shall be licensed to do arboriculture or shall be a licensed commercial applicator under chapter 441. If the extent of the applicant's operations warrant, the Commissioner may require more than one such member or technician to be examined. If the Commissioner finds the applicant qualified, he shall issue a license to perform arboriculture within this state. A license shall be valid for a period of five years. If the Commissioner finds that the applicant is not qualified, or if he refuses to issue a license for any other reason, he shall so inform the applicant in writing, giving reasons for such refusal.

(c) The Commissioner may issue a license without examination to any nonresident who is licensed in another state under a law that provides substantially similar qualifications for licensure and which grants similar privileges of licensure under the provisions of this section.

(d) Each licensee shall pay a license renewal fee of one hundred fifty dollars for each renewal. All examination and license renewal fees shall be deposited as provided in section 4-32, as amended, and any expenses incurred by the Commissioner in making examinations, issuing certificates, inspecting tree work or performing any duties of the Commissioner shall be charged against appropriations of the General Fund.

(e) Each licensee shall maintain and, upon request, furnish such records concerning licensed activities as the Commissioner may require.

(f) The Commissioner may suspend for not more than ten days and, after notice and hearing as provided in any regulations established by the Commissioner, he may suspend for additional periods, or he may revoke any license issued under this section if he finds that the licensee is no longer qualified or has violated any provision of sections 23-61a to 23-61d, inclusive, or any regulation adopted thereunder.

(g) The Commissioner of Environmental Protection, in consultation with the board, shall establish standards for examining applicants and reexamining applicators with respect to

the proper use and application of pesticides and agricultural methods. Such standards shall provide that in order to be certified, an individual shall be competent with respect to the use and handling of pesticides or to the uses and handling of the pesticide or class of pesticides covered by such individual's application or certification and in the proper and safe application of recognized arboricultural methods.

(h) Any licensed arborist shall be considered to be a certified applicator under section 22a-54, with respect to the use of pesticides.

Sec. 23-61e. Appeals. Any person aggrieved by an order or finding of the Commissioner may appeal therefrom in accordance with the provisions of section 4-183.

Sec. 23-61f. Penalties; jurisdiction of violators.

(a) Any person who violates any provision of subsection (b), (c) or (d) of section 23-61b, or section 23-61d or of any regulation issued under subsection (e) of section 23-61a, shall be fined not more than two hundred dollars.

(b) Any person who violates any provision of chapter 441 or sections 23-61a to 23-61d, inclusive, shall be considered under the jurisdiction of the Commissioner of Environmental Protection.

(c) Any person who violates any provision of subsection (a) of section 23-61b, or section 23-61d shall be assessed a civil penalty of not less than one thousand dollars but not more than two thousand five hundred dollars for each day such violation continues. The Attorney General, upon complaint of the Commissioner, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. Any such action shall have precedence in the order of trial as provided in section 52-191.

REGULATIONS OF THE DEPARTMENT OF CONSUMER PROTECTION PERTAINING TO THE TREE EXAMINATION BOARD

While these regulations are technically in effect, they are currently under revision to change references for Department of Consumer Protection to the Department of Environmental Protection.

Excerpts from Regulations of State Agencies :

Sec. 23-61a-1. Purpose. The tree protection examining board shall examine the qualifications of persons desiring to perform arboriculture as defined in section 23-61 of the general statutes. The department issues licenses to qualified applicants and renews these licenses as provided in section 23-61-1. The board may cause to be investigated complaints against licensees. The board maintains its headquarters at the State Office Building, 165 Capitol Avenue, Hartford, Connecticut 06106. Information on licensing requirements may be obtained from the department.

Sec. 23-61a-1a. Definitions. (A) "Arboriculture" as used in sections 23-61-1-1 through 23-61-a-8, inclusive of the regulations of Connecticut State Agencies, means any work done for hire to improve the condition of fruit, shade or ornamental trees by feeding or fertilizing, or by

pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, or protecting trees from damage from insects or diseases or curing these conditions by spraying or any other method.

(b) “Board” means the state tree examining board.

(c) “Department” means the department of consumer protection.

Sec. 23-61a-2. Examinations. (a) Examinations for licensure shall be administered by the department, under the supervision of the Board. Examinations for licensure to perform arboriculture will be held at least four times a year. The form of the examination, oral or written, or both, will be determined by the Board

(b) Each candidate for a license shall file an application with department at least thirty days prior to the date set for the examination. Each applicant will be notified by mail as to the time, date and place of the exam. No person shall be admitted to an exam without presenting a notice of exam card which is the evidence that his or her application has been reviewed.

(c) A check or money order for ten dollars, made payable to “Treasurer, State of Connecticut” shall accompany each application. The fee shall be non-refundable.

(d) If a candidate fails to pass an examination, he or she may subsequently reapply for examination and take an other examinations at dates specified by the board upon payment of the required fee for each examination.

(e) The Board shall inform each candidate in writing of examination results. If the board finds a candidate unqualified, the board shall indicate areas of deficiency revealed by the examination.

Sec. 23-61a-3. Licenses. (a) An initial license is valid from date of issue until the last day of February following, unless sooner suspended or revoked. Each initial license shall be renewed on or before the last day of February and each five years thereafter on or before the last day in February.

(b) For each organization, there shall be at least one licensed person actively engaged in supervisory duties for each ten unlicensed personnel actively engaged in arboriculture.

(c) No licensee shall be designated to be licensed on behalf of more than one organization engaged in arboriculture at any time.

(d) Each licensee shall notify the board of any change of the address within thirty days of such change. If any licensee is licensed on behalf of an organization engaged in arboriculture that licensee shall notify the board of any change of the name of the organization or of any change of address within thirty days of such change.

Sec. 23-61a-4. Renewal. (a) Renewals of license shall be issued for a period of five years unless sooner suspended or revoked. The expiration date of each license shall be clearly displayed on the face of said license.

(b) At least thirty days before the expiration of a license, the department shall mail a notice of expiration and a renewal application to each licensee. If a signed renewal application accompanied by the statutory renewal fee has not been received by the department on or before midnight of the expiration date, or if the expiration date is Saturday, Sunday, or a legal holiday, on or before midnight of the next working day following, the license automatically lapses. Failure of a licensee to receive a notice of expiration and renewal application shall not prevent lapse of license.

(c) The holder of a license lapsed less than one year may renew the license upon submission of a signed renewal application and payment of the statutory fee. The holder of a license lapsed more than one year shall be examined in accordance with section 23-61a-2 of the regulations of Connecticut State Agencies.

Sec. 23-61a-5. Complaints and Investigations. All complaints shall be forwarded to the commissioner of consumer protection for investigation under the uniform rules of procedure concerning boards and commissions within the jurisdiction of the department of consumer protection, as contained in sections 21a-9-1 through 21a-9-11, inclusive, of the regulations of Connecticut State Agencies.

Sec. 23-61-6. Hearings, suspension and revocation. (a) The Board shall hold such hearings as necessary to decide on suspension or revocation of license or the issuance of an order of immediate discontinuance pursuant to section 21a-7 of the general statutes. Notice shall be given and hearings shall be conducted in accordance with Chapter 54 of the general statutes and the uniform rules of procedure established by the commissioner of consumer protection pursuant to section 21a-9 of the general statutes, as contained in sections 21a-9-11, inclusive, of the regulations of Connecticut State Agencies.

(b) A license may be suspended or revoked with the consent of a majority of the members of the board if the licensee has been found to have done any of the following:

1. Violating any provision of sections 23-61a through 23-61d of the general statutes;
2. Violating any provisions of the regulations promulgated pursuant to section 23-61a of the general statutes.
3. Engaging in substandard or improper workmanship; or
4. Engaging in fraudulent practices regarding work to be performed.

Sec. 23-61a-7. Records and reports. (a) Each licensee or the senior licensed officer of an organization with more than one licensee shall report to the board on request, but not more

than once yearly, the kinds and amounts of pesticides applied during the period covered by the report on forms provided by the board.

(b) Each individual, firm or corporation doing arboriculture in this state shall furnish the board upon request, but not more than once yearly, the maximum number of unlicensed personnel employed by such individual, firm, or corporation and actively engaged in arboriculture. In organizations with more than one licensee, the report shall include the maximum number of licensed personnel employed in supervisory duties.

Sec. 23-61a-8. Petitions. (a) Any interested person requesting the promulgation, amendment or repeal of a regulation pursuant to section 4-174 of the general statutes and section 21a-1-12 of the regulations of Connecticut State Agencies. Only written petitions shall be considered. The petition shall set forth clearly the reasons for its submission.

(b) Petitions for declaratory rulings on the applicability of any statutory provision of any regulation promulgated pursuant to section 23-61a through 23-61d of the general statutes shall be submitted in writing to the board pursuant to section 4-176 of the general statutes. A copy of such request shall also be provided to the commissioner of consumer protection.